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07 UNITED STATES DISTRICT COURT  
08 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

09 UNITED STATES OF AMERICA, ) CASE NO.: CR03-001-RSL  
10 Plaintiff, )  
11 v. ) SUMMARY REPORT OF U.S.  
12 MARK J. VIENA, ) MAGISTRATE JUDGE AS TO  
13 Defendant. ) ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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15 An initial hearing on supervised release revocation in this case was scheduled before me  
16 on July 1, 2005. The United States was represented by AUSA Donald Currie and the defendant  
17 by Brian Tsuchida for Paula S. Deutsch. The proceedings were recorded on cassette tape.

18 Defendant had been sentenced on or about April 18, 2003 by the Honorable Robert S.  
19 Lasnik on a charge of Felon in Possession of a Firearm and sentenced to 15 Months Custody, 3  
20 years Supervised Release.

21 The conditions of supervised release included requirements that defendant comply with all  
22 local, state, and federal laws and with the standard conditions of supervision. Other special  
23 conditions included no firearms, narcotic addiction or drug dependency treatment and testing,  
24 refrain from alcohol and other intoxicants, submit to search. (DKT 18)

25 On February 6, 2004, defendant's probation officer reported that he tested positive for  
26 opiates and marijuana. This being the first positive test since commencing supervision, no action

01 was taken at that time. (DKT 20) On November 2, 2004, another report was filed reporting a  
02 positive test for methamphetamines. (DKT 21). Defendant was reprimanded, put into a structured  
03 testing program with increased frequency of testing, and placed in intensive outpatient treatment.

04 On March 4, 2005, defendant admitted to using methamphetamine, failing to report for  
05 testing, failing to participate in substance abuse treatment, and failing to file monthly reports for  
06 a number of months. (DKT 28) Defendant was sentenced to two months in prison followed by  
07 32 months supervised release, including drug treatment and three months in a halfway house.  
08 (DKT 29)

09 In an application dated June 13, 2005, U.S. Probation Officer Joe G. Mendez alleged the  
10 following violation of the conditions of supervised release:

11 1. Failing to complete three months placement at Pioneer Fellowship House as  
12 directed by the Court pursuant to a Judgment issued for previous supervised release violations on  
13 March 21, 2005. (DKT 31).

14 Defendant was advised in full as to the charges and as to his constitutional rights.

15 Defendant admitted the alleged violation and waived any evidentiary hearing as to whether  
16 it occurred.

17 I therefore recommend the Court find defendant violated his supervised release as alleged  
18 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be  
19 set before Judge Lasnik.

20 Pending a final determination by the Court, defendant has been detained.

21 DATED this 1st day of July, 2005.

22 

23 Mary Alice Theiler  
24 United States Magistrate Judge

25 cc: District Judge: Honorable Robert S. Lasnik  
AUSA: Donald Currie  
26 Defendant's attorney: Paula S. Deutsch  
Probation officer: Joe G. Mendez